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HOUSE BILL 360

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Lisa L. Lutz

AN ACT

AMENDING SECTION 30-7-2 NMSA 1978 (BEING LAWS 1963, CHAPTER 303, SECTION 7-2, AS AMENDED) TO CHANGE THE DEFINITION OF THE CRIME OF UNLAWFUL CARRYING OF A DEADLY WEAPON.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-7-2 NMSA 1978 (being Laws 1963, Chapter 303, Section 7-2, as amended) is amended to read:

"30-7-2. UNLAWFUL CARRYING OF A DEADLY WEAPON. --

A. Unlawful carrying of a deadly weapon consists of carrying a concealed loaded firearm or any other type of deadly weapon [~~anywhere, except in the following cases:~~

~~(1) in the person's residence or on real property belonging to him as owner, lessee, tenant or licensee;~~

~~(2) in a private automobile or other private~~

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 ~~means of conveyance, for lawful protection of the person's or~~  
2 ~~another's person or property;~~

3 ~~(3) by a peace officer in accordance with the~~  
4 ~~policies of his law enforcement agency who is certified~~  
5 ~~pursuant to the Law Enforcement Training Act; or~~

6 ~~(4) by a peace officer in accordance with the~~  
7 ~~policies of his law enforcement agency who is employed on a~~  
8 ~~temporary basis by that agency and who has successfully~~  
9 ~~completed a course of firearms instruction prescribed by the~~  
10 ~~New Mexico law enforcement academy or provided by a certified~~  
11 ~~firearms instructor who is employed on a permanent basis by a~~  
12 ~~law enforcement agency] with the intent to use the weapon to~~  
13 ~~commit a crime.~~

14 B. The element of intent required pursuant to this  
15 section shall not be presumed or inferred from the existence  
16 of possession of the weapon.

17 ~~[B.]~~ C. Nothing in this section ~~[shall be~~  
18 ~~construed to prevent]~~ prohibits the carrying of any unloaded  
19 firearm

20 ~~[C.]~~ D. Whoever commits unlawful carrying of a  
21 deadly weapon is guilty of a petty misdemeanor. "